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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,815	10/21/2005	Sumit Roy	3651-1025	6741

466 7590 01/22/2008  
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EXAMINER
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SONNETT, KATHLEEN C

ART UNIT	PAPER NUMBER
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3731

MAIL DATE	DELIVERY MODE
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01/22/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/522,815	<b>Applicant(s)</b> ROY ET AL.	
	<b>Examiner</b> Kathleen Sonnett	<b>Art Unit</b> 3731	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 November 2007.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 20-30, 33 and 34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 20-30, 33 and 34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claim 20 have been considered but are moot in view of the new ground(s) of rejection necessitated by the amendment to the claims. Claim 30 has been additionally rejected with art in this office action and therefore the action has been made nonfinal.
2. The specification was objected to previously for a lack of antecedent basis for the thickness of the fingers. In the reply filed, applicant did not amend the specification with respect to this limitation.
3. Regarding the previously presented 35 USC 112 1<sup>st</sup> paragraph rejections of the claims drawn to the limitation of the longitudinal cross-section being uniformly thick, Applicant amended the claims to include the limitation of the fingers having a uniform radial thickness. However, the radial thickness at the ends of the fingers (gripping portion) would be the longer dimension of (12) since this is the dimension in the radial direction when the fingers are pushed outward.
4. Additionally, after further consideration, limitations regarding the uniform thickness of the fingers are being considered new matter because there is nothing in the figures to support a limitation of fingers made of material with a uniform thickness. Although the cross section shows the finger is relatively the same thickness where the cross-section was taken, this doesn't mean that each of the fingers could not be thicker at locations circumferentially offset of the place where the cross section was taken.

### ***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the

art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. **Claims 20-30, 33, and 34** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicant claims that the fingers are of uniform radial thickness. However, in the radial direction, the thickness of the fingers at the gripping portion (12) will be longer since this element is slanted. In the fully extended configuration, the radial thickness of the portion (12) will be the longer dimension of 12.

7. Additionally, if applicant intends that the material making up the fingers is uniformly thick, this is being considered new matter because there is nothing in the specification or figures to support a limitation of fingers made of material with a uniform thickness. Although the cross section shows the finger is relatively the same thickness where the cross-section was taken, this doesn't mean that each of the fingers could not be thicker at locations circumferentially offset of the place where the cross section was taken.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. **Claims 20, 30, 33, and 34** are rejected under 35 U.S.C. 102(b) as being anticipated by Bloomer (US 2,537,183). Bloomer discloses a device capable of interconnecting a first and

second organ comprising a first element (10) with an axially through-going first passage along a first longitudinal axis and a first front end portion, a first front edge, a first rear end portion, and a first rear edge and a second element (3,4,5) with an axially through-going second passage along a second longitudinal axis, a second rear end portion or receiving portion, and a second front portion wherein the second front portion is provided with at least two elongated first fingers (4,5) which are arranged at intervals along the circumference of the first passage and the fingers are of uniform thickness, each of the fingers comprising a main portion (4) extending from the second front portion and in the direction of the second longitudinal axis and the main portion is continuous with a gripping part (5), wherein the gripping part is directed away from the second longitudinal axis in an undeformed condition of the second element such that introduction of the first element into the second element displaces the main portions of the fingers radially outwards (see fig. 1-4).

10. Regarding claim 30, the front edge of the first element defines a first plane and the gripping parts define a second plane, such that the first plane and the second plane form the same angle with the longitudinal axes of the first and second element when the first element is optimally inserted into the second element. The first and second planes are both perpendicular to the longitudinal axes.

11. Regarding claims 33 and 34, see fig. 1-4.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kathleen Sonnett whose telephone number is 571-272-5576. The examiner can normally be reached on 7:30-5:00, M-F, alternate Fridays off.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Todd Manahan can be reached on 571-272-4713. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KCS 1/8/2008

  
GLENN K. DAWSON  
PRIMARY EXAMINER